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6 Attorneys for Plaintiffs

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8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 DISTRICT COUNCIL 16 NORTHERN  
11 CALIFORNIA HEALTH AND WELFARE TRUST  
11 FUND, et al.,

12 Plaintiffs,

13 v.

14 2<sup>nd</sup> GENERATION FLOOR COVERING, LLC *aka*  
15 2<sup>nd</sup> GENERATION, LLC, a California Limited  
Liability Company,

16 Defendant.

Case No.: C10-3053 WHA

**REQUEST TO CONTINUE OR  
VACATE CASE MANAGEMENT  
CONFERENCE; [PROPOSED]  
ORDER THEREON**

Date: October 28, 2010

Time: 11:00 a.m.

Ctrm: 9, 19<sup>th</sup> Floor,  
450 Golden Gate Ave.  
San Francisco, California

Judge: Honorable William Alsup

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18 Plaintiffs herein respectfully request that the Case Management Conference currently on  
19 calendar for October 28, 2010, be continued or vacated entirely.

20 1. As the Court's records will reflect, a Complaint was filed in this matter on July 12,  
21 2010, to compel Defendant's compliance with the terms of its Collective Bargaining Agreement.

22 2. Service on Defendant was effectuated on August 6, 2010, and a Proof of Service of  
23 Summons was filed with the Court on August 9, 2010.

24 3. On September 2, 2010, the Court entered the default of Defendant.

25 4. Pursuant to our previous request, the Court issued an Order Continuing the initial  
26 Case Management Conference to the current date, October 28, 2010, which stated that if Plaintiffs  
27 file their Motion For Default with the Court three days prior to that date, they may apply to  
28 continue the Case Management Conference date to the same date as the hearing date for the

-1-  
**REQUEST TO CONTINUE OR VACATE CMC; [PROPOSED ORDER] THEREON**  
Case No.: C10-3053 WHA

## Motion.

2       5.     Despite being served with Plaintiffs' Request to Continue or Vacate Case  
3     Management Conference on October 7, 2010, which states that a Motion For Default Judgment  
4     will be filed by Plaintiffs within two weeks, we have had no contact from Defendant.

5. Plaintiffs filed their Motion For Default Judgment on October 25, 2010, three days  
5 prior to the Case Management Conference. Said Motion is set for hearing on December 2, 2010.

7       6. There are no issues that need to be addressed at the currently scheduled Case  
8 Management Conference. In the interest of conserving costs as well as the Court's time and  
9 resources, Plaintiffs respectfully request that the Case Management Conference, currently  
10 scheduled for October 28, 2010, be continued to either coincide with the date set for the Motion;  
11 and/or continued for 60 to 90 days to allow disposition of the Motion; or vacated entirely.

12 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
13 entitled action, and that the foregoing is true of my own knowledge.

14 Executed this 25<sup>th</sup> day of October, 2010, at San Francisco, California.

SALTZMAN & JOHNSON  
LAW CORPORATION

IT IS SO ORDERED.

21 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case  
22 Management Conference is hereby continued to December 2, 2010. All related  
deadlines are extended accordingly.

or

Date: October 26, 2010.

1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 I am a citizen of the United States and am employed in the County of San Francisco, State  
4 of California. I am over the age of eighteen and not a party to this action. My business address is  
5 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

6 On **October 25, 2010**, I served the following document(s):

7 **REQUEST TO CONTINUE OR VACATE CASE MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER THEREON**

8  
9 on the interested parties in said action by placing a true and exact copy of each document in a  
10 sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San  
11 Francisco, California, addressed as follows:

12 2nd Generation Floor Covering, LLC  
13 c/o Charles Lee Peoples, Jr.  
14 Agent for Service of Process  
420 Pendleton Way  
Oakland, CA 94621

15 I declare under penalty of perjury that the foregoing is true and correct and that this  
16 declaration was executed on this **25<sup>th</sup> day of October, 2010**, at San Francisco, California.  
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18 \_\_\_\_\_/S/  
19 Elise Thurman  
20 Paralegal  
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